

REMARKS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-6 and 8-20 are pending. Claims 1 and 8 are amended.

To better define Applicants' invention, independent claims 1 and 8 have been amended to recite that each of the compositions claimed have "a specific Young's Modulus greater than 33." Specification support for the amendments to independent claims 1 and 8 can be found at least in specification paragraph [0035]. Claim 7 was canceled previously. No new matter is added.

Applicants submit that this Amendment places this application in condition for allowance as it overcomes all art based rejections as well as all rejections under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 112, first paragraph

Items 2-4, on Page 2 of the outstanding Office Action, reject claims 1-6 and 8-13 under 35 U.S.C. § 1.12, first paragraph, objecting to the recitation “no lithium oxide other than trace impurities.”

Applicants submit that the claim language of independent claims 1 and 8 particularly points out and distinctly claims the subject matter which applicant regards as the invention. Further, Applicants submit that the claimed subject matter was described in the specification in such a way to reasonably convey to one skilled in the art how to make and use the same. Specifically, paragraph [0035] states:

The molten glass feeding the bushings is obtained from pure batch materials or, more usually, natural batch materials (i.e., those possibly containing trace impurities), these batch materials being mixed in appropriate amounts, before being melted.

Applicants submit that the term “trace impurities” is well understood by those skilled in the art of glass fiber manufacture and that any person skilled in the art of glass fiber manufacture would have been enabled to make and use the glass reinforcing yarn of the present invention.

Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Item 6, on Page 4 of the outstanding Office Action, rejects claims 1-6 and 8-13, under 35 U.S.C. § 102(b) in view of U.S. Patent Application Publication No. 2004/0092379 to Lewis (henceforth, “Lewis”).

Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants respectfully submit that amended Claims 1 and 8 define an invention that is neither taught nor suggested by Lewis. Applicants note that

independent Claims 1 and 8 recite that the composition "contains no lithium oxide other than trace impurities." As noted in Applicants' disclosure, lithium oxide is expensive, and has a negative impact on the hydrolytic resistance of the glass (column 5, lines 6-8.)

In contrast, the composition taught by Lewis uses lithium oxide in every specific example. Lewis has a broad compositional range that recites 0-9 lithium oxide, however one skilled in the art would not look to Lewis for a teaching of a glass fiber or a composition that contains no lithium oxide other than trace impurities as recited by Independent Claims 1 and 8. Each composition recited by Lewis includes lithium oxide, see for example:

Claim 23—"Li₂O in an amount of about 1.96 weight percent"

Paragraph [0049] and Claim 26—"Li₂O in an amount of about 2.86 weight percent"

Claim 29—"Li₂O in an amount of about 3.41 weight percent"

Claim 32—"Li₂O in an amount of about 2.31 weight percent"

and,

Paragraph [0038]—"These newly-utilized oxides include lithium oxide (Li₂O) and boron oxide (B₂O₃)."

One skilled in the art would not look to Lewis for guidance on forming glass fibers and glass fiber compositions that contain no lithium oxide other than trace impurities as claimed.

Further, Lewis discloses glass fibers for use in fire resistant blankets or containers to provide high burn-through resistance at temperatures in excess of 2,300° F. Fibers used in the applications taught by Lewis do not rely upon specific Young's Modulus for their utility and thus one looking to Lewis for a suggestion of a low lithium oxide glass would not be concerned with stiffness. Therefore, it is submitted that one skilled in the art would not find motivation to

form a glass composition having a "specific Young's Modulus greater than 33" as recited in Independent Claims 1 and 8.

Lewis does not teach or suggest a glass yarn or composition that "contains no lithium oxide other than trace impurities" and has a "specific Young's Modulus greater than 33" as taught and claimed by the Applicants. In view of the above, Applicants submit that claims 1 and 8 are not anticipated by, or obvious in view of Lewis. Applicants respectfully submit that claims 1 and 8 are in condition for allowance, and that claims 2-6 and claims 9-13 dependent thereon are also in condition for allowance for at least those reasons.

In Item 7, spanning Pages 3 and 4 of the outstanding office action, the Examiner rejects claims 14-20 under 35 U.S.C. § 102(b), or in the alternative under 35 U.S.C. § 103(a), as either anticipated or obvious in view of Lewis. The Examiner concedes that Lewis does not disclose the claimed Young's Modulus or $T \log=4$. As discussed above, Lewis is not a proper reference under 35 U.S.C. § 102, or indeed under 35 U.S.C. § 103, as it would not enable one skilled in the art to form a fiber having "no lithium oxide other than trace impurities" and "having a specific Young's Modulus greater than 33.

Item 9, on Page 5, provisionally rejects claims 1-6 and 8-20 under the judicially created doctrine of obviousness-type double patenting in view of co-pending U.S. Patent Application Serial No. 11/722,039.

In response to this rejection, Applicants note that U.S. Patent Application Serial No. 11/722,039 is the national stage entry (371) of PCT/FR05/51090 filed on December 15, 2005. The instant application is the national stage entry (371) of PCT/FR04/01431 filed on June 9, 2004, and pre-dates Application Serial No. 11/722,039. Applicants therefore submit that Application No. 11/722,039 is not a valid reference as to the instant application, and respectfully request that the Examiner withdraw this rejection.

In view of the above, Applicants submit Independent Claims 1, 8 and 14 are in condition for allowance, and that Dependent Claims 2-6, 9-13 and 15-20 dependent thereon are also in condition for allowance for at least those reasons.

CONCLUSION

In light of the above Amendments and Remarks, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue, which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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